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Mayor

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Public Hearing Date:	June 15, 2010
Land Use Action Date:	July 13, 2010
Board of Aldermen Action Date:	August 9, 2010
90-Day Expiration Date:	September 13, 2010

DATE: May 11, 2010

TO: Board of Aldermen

FROM: Candace Havens, Interim Director of Planning and Development
Benjamin Solomon-Schwartz, Senior Planner

SUBJECT: Petition #139-10 MAX & MARJORIE SCHECHNER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL/EXTENSION OF NONCONFORMING STRUCTURE to add a shed dormer wider than 50% of the length of the exterior wall of the story next below onto the rear of an existing two-family residence and to waive the dimensional requirements for parking spaces at 8-10 HATFIELD ROAD, Ward 3, on land known as Sec 34, Blk 18, Lot 1, containing approx 7,370 sq ft of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15(t)(a), 30-19(g) and (m) of the City of Newton Rev Zoning Ord, 2007.

CC: Mayor Setti D. Warren

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY

The petitioners are proposing to add a shed dormer to the rear of a two-family residence at 8-10 Hatfield Road. The existing residence is located on a 7,370 sq. ft. corner lot. The petitioners are proposing to finish the existing attic into livable space, which would include adding a shed dormer on the rear façade of the roof that will be visible from Lodge Road. The proposed rear shed dormer is wider than 50% of the length of the exterior wall of the story below it. In order to construct a dormer of this size, the applicant must obtain a special permit from the Board of Aldermen. The proposed dormer allows an expanded living area with no changes to the footprint of the existing structure. The petitioner is proposing to pull the dormer one foot back from the wall below to avoid the appearance of an uninterrupted wall plane. The *2007 Newton Comprehensive Plan* encourages preservation of existing residential neighborhoods, and the Planning Department believes that modestly-sized additions can help to preserve the character of existing neighborhoods while allowing occupants the flexibility to meet the housing needs of today's families. This petition addresses those needs by modifying an existing two-family home while keeping in scale with the other houses in the immediate neighborhood.



*View of front of residence (top) and view rear of house
from Lodge Road where dormer is proposed (bottom)*

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When considering this request, the Board should consider whether the proposed dormer would be consistent with the size, scale and design of other structures in the surrounding neighborhood.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located on Hatfield Road, off Waltham Street near the Waltham border. It is located within a Single Residence 3 District where the neighborhood includes a mix of single- and two-family residences. The earliest extant houses built in the neighborhood were built in the 1870s. A second wave of houses was built in the 1930s. The house on the subject property and those in the immediate vicinity were built between the mid-1940s and the mid-1950s. The majority of the lots are between 6,000 and 8,000 sq. ft. while several lots are greater than 9,000 sq. ft. or smaller than 4,000 sq. ft. The immediate vicinity of the subject property is characterized by houses in the Colonial Revival style.

B. Site

The 7,370 sq. ft. corner lot is relatively flat and is of average size for the early twentieth century houses in the neighborhood.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

No changes to the use of the two-family residence are proposed.

B. Building and Site Design

The existing house is a two-story Colonial Revival residence with a pitched roof built in 1954. The petitioners are proposing to finish the existing attic into livable space, which would include adding a shed dormer on the rear façade. The new attic level will contain two bedrooms and a bathroom. No other changes to the site are proposed at this time.

The petitioners proposed a shed dormer that is 24 feet wide while the width of the house is approximately 36 feet. A dormer that is up 18 feet wide would be allowed by right. The dormer is set back one foot from the rear wall of the house so as not to create the appearance on an uninterrupted wall plane from the floor below. Because the house is sited on a corner lot, the rear dormer will be visible from Lodge Road.

C. Landscape Screening and Lighting

The petitioners did not submit a landscape or lighting plan nor was one necessary for this project.

IV. COMPREHENSIVE PLAN

The 2007 *Newton Comprehensive Plan* encourages preservation of existing neighborhoods. The Planning Department believes that modestly-sized additions can help to preserve the character of existing neighborhoods while allowing occupants the flexibility to meet the housing needs of today's families. This renovation will help ensure that the house will be usable for current and future residents.

V. TECHNICAL REVIEW

A. Technical Considerations (Section 30-15 and 30-19). The Zoning Review Memorandum, dated May 11, 2010 (*SEE ATTACHMENT "C"*), provides an analysis of the proposal with regard to Section 30-15, Table 1, and Section 30-19. A special permit is required to construct a dormer wider than 50% of the exterior wall below. In addition, the proposed parking area is not large enough to contain four conforming stalls. Although no changes are proposed to the driveway, the petitioner has not shown that these spaces are legally nonconforming. Therefore, a special permit is required for undersized spaces.

B. Other Reviews

1. Engineering. No Engineering review was required for this project.
2. Fire Department. No review of this project for Fire Department accessibility is required.

VI. ZONING RELIEFS SOUGHT

Based on the completed zoning review, dated May 11, 2010 (*SEE ATTACHMENT "C"*), the petitioner is seeking approval through or relief from:

- Section 30-15(t)(a), to allow a dormer wider than 50% of the exterior wall below
- Section 30-19(g) and (m) to waive the dimensional standard for the parking spaces
- Section 30-23, for site plan approval
- Section 30-24, for approval of special permit

Note that a variance is not required for the proposed plan because the plan does not include the two-story deck that was included on the plan reviewed by the Chief Zoning Code Official.

VII. Summary of Petitioner's Responsibilities

This petition is currently complete.

ATTACHMENTS

ATTACHMENT A: *Zoning Map*
ATTACHMENT B: *Land Use Map*
ATTACHMENT C: *Zoning Review Memorandum, dated May 11, 2010*
ATTACHMENT D: *Draft Board Order*

Zoning Map

8-10 Hatfield St. and Vicinity

City of Newton,
Massachusetts

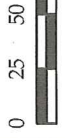
Legend

	Building Outlines
	Single Res. 1
	Single Res. 2
	Single Res. 3
	Business 1
	Business 2
	Business 4
	Business 5
	Limited Manufacturing
	Manufacturing
	Multi-Res. 1
	Multi-Res. 2
	Multi-Res. 3
	Multi-Res. 4
	Mixed Use 1
	Mixed Use 2
	OS/Rec.
	Public Use
	Surface Water

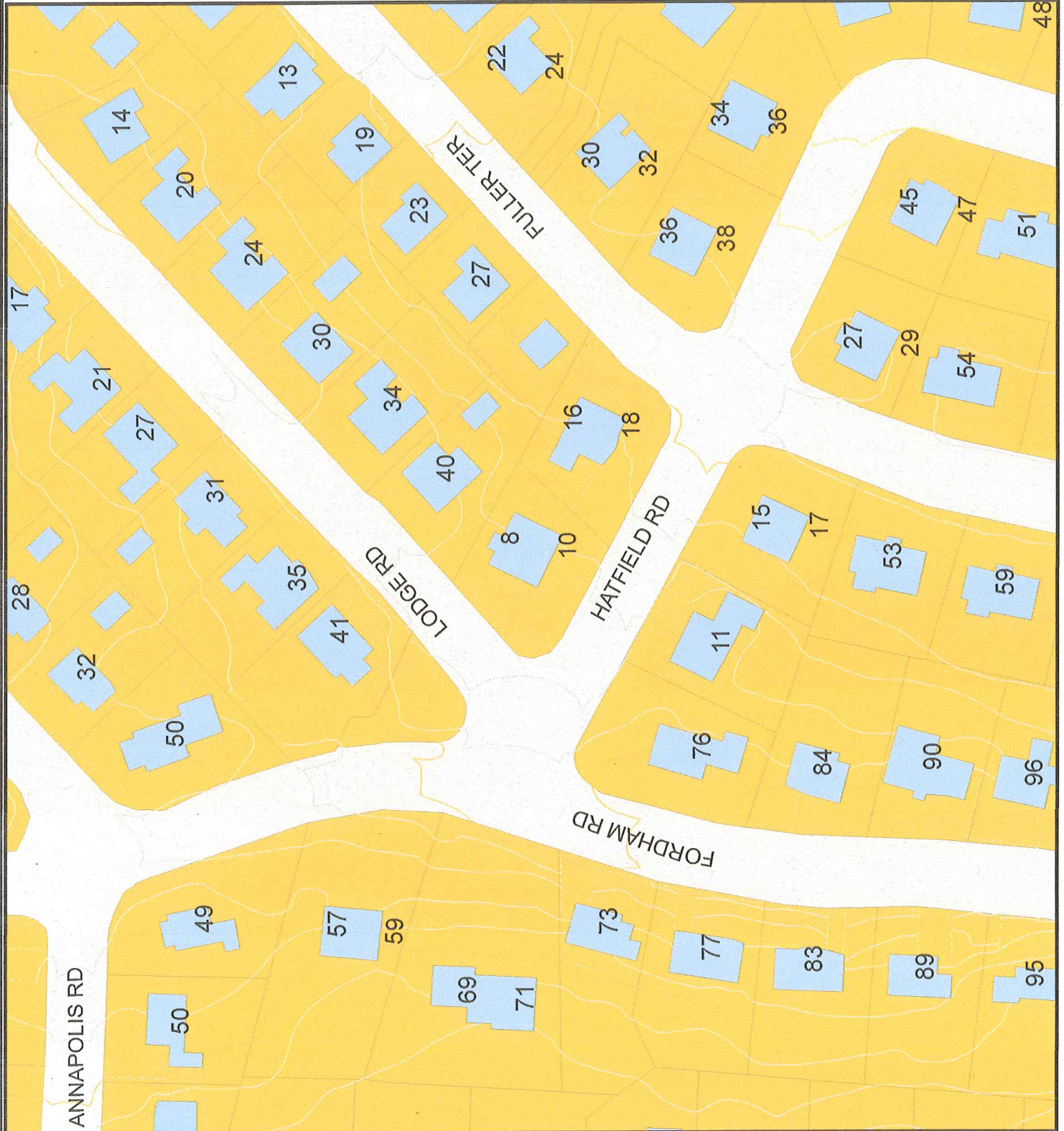
ATTACHMENT A



The information on this Geographic Information System (GIS) map is for informational purposes only. It does not constitute a legal document. Each user is responsible for determining the suitability of the information for their purpose. City departments may not be able to provide all the information requested.



MAP DATA



Land Use Map

8-10 Hatfield St. and Vicinity

City of Newton,
Massachusetts

Legend

- Building Outlines
- Single Family Residential
- Two Family Residential
- Condominiums
- Other Residential
- Mixed Use
- Commercial
- Industrial
- Vacant Land
- Golf Course
- Open Space
- Private Educational
- Nonprofit Organizations
- Public Housing
- Tax Exempt
- Unspecified
- Surface Water

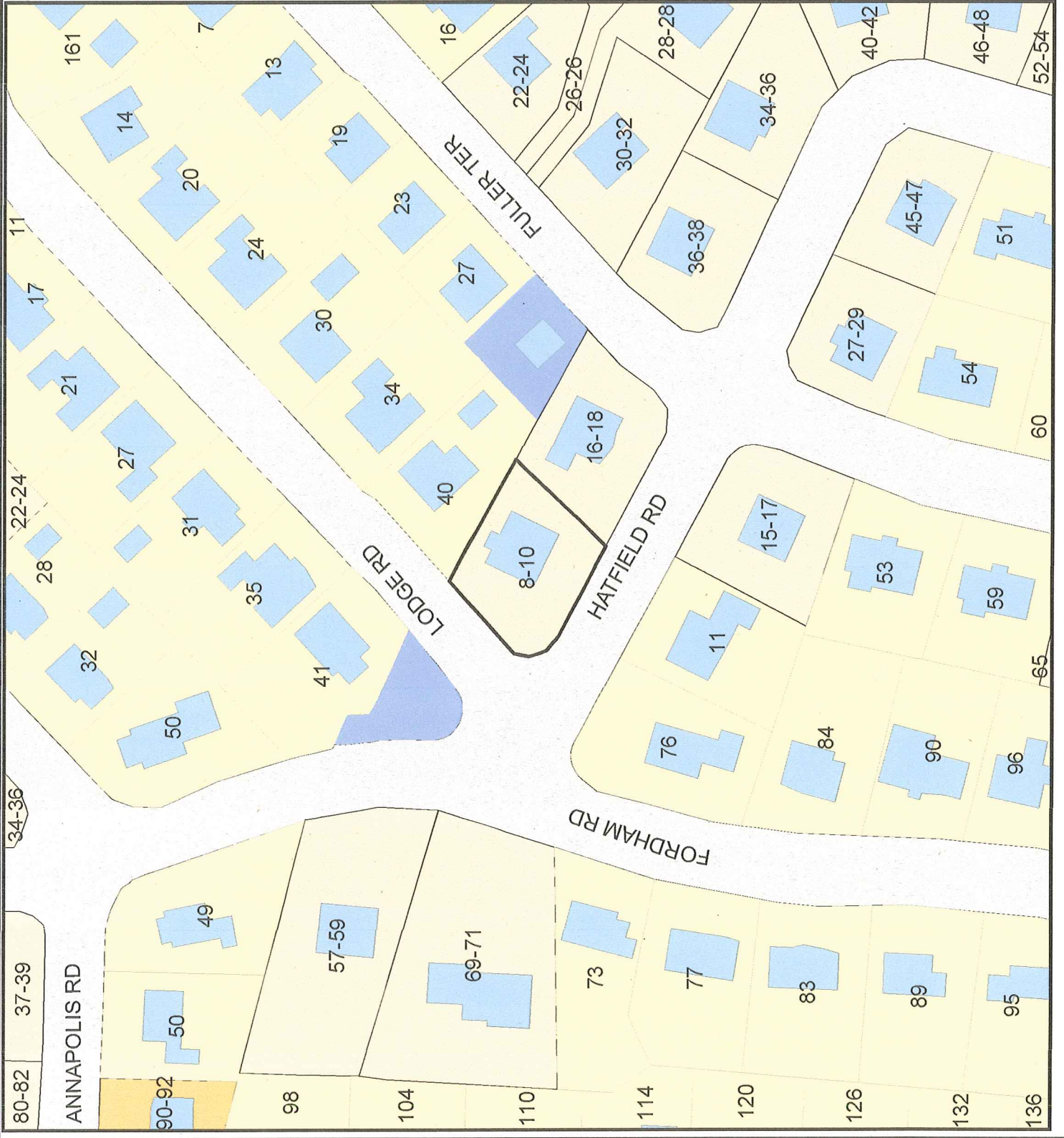


ATTACHMENT B

The information on this Geographic Information System map cannot guarantee the accuracy of the information. Each user is responsible for determining its suitability for their intended purpose. City departments may not approve applications.




MAP DATA



Zoning Review Memorandum

Dt: May 11, 2010

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official
Candace Havens, Interim Director of Planning and Development 

Cc: Mark J. Salvati, representing Max and Marjorie Schechner
Ouida Young, Associate City Solicitor

RE: Request to allow a large shed dormer.

Applicant: Max P. and Marjorie Schechner

Site: 8-10 Hatfield Road	SBL: Section 34, Block 18, Lot 1
Zoning: SR-3	Lot Area: 7,370 square feet
Current use: Two-family residence	Proposed use: Two-family residence

Background:

The subject property consists of a 7,370 square foot lot currently improved with a pre-existing, nonconforming two-family residence. The applicants are proposing to finish the existing attic to add two bedrooms. The following review is based on plans and materials submitted to date as noted below.

Plans and materials reviewed:

- o "Plan of Land in Newton, MA, 8-10 Hatfield Road, Proposed Addition," dated March 30, 2010, signed and stamped by Bruce Bradford, Professional Land Surveyor
- o "Plan of Land in Newton, MA to accompany the Petition of Max & Marjorie Schechner," dated March 30, 2010, signed and stamped by Bruce Bradford, Professional Land Surveyor
- o "A2, Renovations to 8-10 Hatfield Road, Newton, MA 02465, drawn by Jonathan Raisz Architect, neither signed nor stamped by a licensed professional, dated November 4, 2004, revisions March 8, 2010

Administrative determinations:

1. The proposed renovation includes adding a shed dormer onto the rear of the house to increase living space in the existing attic. The size of the dormer as shown on the submitted plans is wider than 50% of the length of the exterior wall of the story next below. Per Section 30-15(t)(a) of the Zoning Ordinance, in order to construct a dormer of this size, the applicant must obtain a special permit from the Board of Aldermen.

2. The property is in the SR-3 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below).

SR-3 Zone	Required/Allowed	Existing	Proposed
Lot size	7,000 sq. ft.	7,370 sq. ft.	No change
Frontage	70 feet	106.18 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	26.8 feet 16.2 feet 17.7 feet	No change No change 12.7 feet
FAR	.35	Not available*	Not available*
Building Height	30 feet	24.7 feet	28.4 feet
Maximum Stories	2.5	2.5	No change
Max. Lot Coverage	30%	16%	17.3%
Min. Open Space	50%	75%	74%

* Information not provided by the applicant, but not relevant to this review since additional living space will be added on the half story above the second floor and is therefore not counted in the FAR calculation.

3. The proposed site plan depicts a proposed two-story deck off of the rear of the existing building. The existing rear setback is conforming. The new deck will encroach into the rear setback. In order to build the proposed deck, the proponents must obtain a variance from the Zoning Board of Appeals.
4. The submitted site plan shows an area generally labeled “existing driveway with 4 car parking.” There are no individual spaces shown. This area does not appear to be large enough to fit four parking stalls that comply with the dimensional standards outlined in Section 30-19(g) of the Newton Zoning Ordinance. The applicants must either provide evidence that the current parking configuration is legally nonconforming or show four complying parking stalls. If neither of these options can be accomplished for this site, the applicant must obtain a special permit from the Board of Aldermen to waive the dimensional standards for parking stalls per Sections 30-19(g) and 30-19(m).

5. See “Zoning Relief Summary” below:

Zoning Relief Summary		
Ordinance		Action Required
	Building	
§30-15(t)(a)	Allow a dormer wider than 50% of the exterior wall below	SP per §30-24
	Site	
§30-15, Table 1	Encroach into the rear setback	Variance from ZBA
	Parking	
§30-19(g), 30-19(m)	Waive dimensional standards for parking spaces	SP per §30-24, or show legal nonconforming

DRAFT
#139-10

CITY OF NEWTON
IN BOARD OF ALDERMEN
June 21, 2010

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow for an oversized dormer, as recommended by the Land Use Committee for the reasons given by the Committee through its chairman, Alderman Ted Hess-Mahan:

1. The proposed dormer addition to the rear façade of the existing two-family structure will be consistent with the scale and design of other structures in the surrounding neighborhood.
2. The proposed attic will not be more than 2/3rds the area of the story next below and will remain a half story.
3. The proposed dormer will allow for a roofline overhang so as to avoid the appearance of an uninterrupted wall plane from the floor below.
4. The proposed dormer allows for an expanded living area with no changes to the footprint of the existing structure.
5. The proposed dormer on the rear façade of the existing single-family residence is consistent with the *2007 Comprehensive Plan*, as the usable space it creates will help meet the lifestyle needs of today's families while maintaining the character of the neighborhood.

PETITION NUMBER: #139-10

PETITIONER: Max and Marjorie Schechner

LOCATION: 8-10 Hatfield Road, Section 34, Block 18, Lot 1 containing approximately 7,370 sq. ft. of land

OWNER: Max and Marjorie Schechner

ADDRESS OF OWNER: 30 Bonad Rd, Newton, MA

TO BE USED FOR: Two-family dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §30-15(t)(a)&(c) to allow for a dormer wider than 50% of the exterior wall below and closer than three feet from the intersection of the roof and the main building end wall; §30-23 for site plan approval; and §30-24(d) for special permit approval

ZONING: Single Residence 3 District

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with the following plans except as provided in Condition #2:
 - “Plan of Land in Newton, MA, 8-10 Hatfield Road, Proposed Addition,” dated March 30, 2010, and revised May 11, 2010, signed and stamped by Bruce Bradford, Professional Land Surveyor
 - Set of plans, “Renovations to 8-10 Hatfield Road, Newton, MA 02465,” dated November 4, 2004, and revised March 8, 2010, and prepared by Jonathan Raisz, Architect, not stamped or signed
 - “A1 – Proposed Floor Plans”
 - “A2 – Elevations”
2. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has:
 - a. recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1.
 - b. submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in digital format.